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09/608,188	06/30/2000	Lewis Dean Dodrill	95-419	9728

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EXAMINER

SCHLAIFER, JONATHAN D

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/608,188

Applicant(s)

DODRILL ET AL.

Examiner

Jonathan D. Schlaifer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Request for Continued Examination filed on 8/24/2004.
2. Claims 1-38 are pending in the case. 1, 13, 20 and 32 are independent claims. Claims 1, 13, 20, and 32 have been amended. Claims 39-42 are cancelled.
3. The rejections of claims 1, 13, 20 and 32 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon are withdrawn as necessitated by amendment.
4. The rejections of claims 2 and 21 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Leshem are withdrawn as necessitated by amendment.
5. The rejections of claims 3-4 and 22-23 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Leshem, further in view of Baldwin are withdrawn as necessitated by amendment.
6. The rejections of claims 5 and 14 and 24 and 33 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Ng are withdrawn as necessitated by amendment.
7. The rejections of claims 6 and 15 and 25 and 34 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in

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view of Saylor, further in view of Meyerzon, further in view of Reisman are withdrawn as necessitated by amendment.

8. The rejections of claims 7 and 16 and 26 and 35 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages are withdrawn as necessitated by amendment.
9. The rejections of claims 8 and 17 and 27 and 36 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages, further in view of Guck are withdrawn as necessitated by amendment.
10. The rejections of claims 9 and 28 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages, further in view of Guck, further in view of Haddock are withdrawn as necessitated by amendment.
11. The rejections of claims 11 and 30 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of McCauley are withdrawn as necessitated by amendment.
12. The rejections of claims 12 and 19 and 31 and 38 under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in

view of Saylor, further in view of Meyerzon, further in view of Kikinis are withdrawn as necessitated by amendment.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1 and 13 and 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable under Levin et al. (USPN 6,173,279 B1—filing date 4/8/1998), hereinafter Levin, further in view of St-Pierre et al. (USPN 5,901,352—filing date 2/20/1997), hereinafter St-Pierre, further in view of Schloss (USPN 5,706,507—filing date 7/5/1995), further in view of Saylor et al. (USPN 6,501,831 B1—filing date 1/11/2000, priority from 8/24/1999 & 8/26/1999), hereinafter Saylor, further in view of Meyerzon et al. (USPN 6,199,081 B1—filing date 6/30/1998).**
2. **Regarding independent claim 1,** Levin is clearly directed to a method in an application server for executing an application to deliver voice portal services (In col. 4 lines 45-65, voice commands are used to interact with an information server). Levin further discloses receiving a HTTP request (col. 4, lines 5-25) for execution of a prescribed voice portal service application for a subscriber (see col. 4, lines 20-25). Levin fails to disclose accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes, sending a request to a content server for media content based on the HTTP request and the attribute information, and

generating an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request. However, St-Pierre discloses accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes (col. 7, lines 24-25 reveal that the invention treats IP transactions and col. 7, lines 66-67 and col. 8, lines 1-15 deal with an database of subscriber attributes) in order to regulate how individual subscribers receive services, so it would have been obvious to one of ordinary skill in the art at the time of the invention to obtain subscriber attributes in order to regulate how individual subscribers receive services. Also, Schloss discusses sending a request to a content server for media content based on the HTTP request (col. 4, lines 30-56) because this is a typical way to obtain content for display on the Web. Furthermore, St-Pierre's attributes are relevant because it would help regulate which types of content are relevant. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schloss's content request with Levin and St-Pierre because this is a typical way to obtain content for display on the Web and because it would help regulate which types of content are relevant. Also, Saylor, in col. 2, lines 4-16 describes the use of XML tags configured for controlling delivery of the media content in an audible format in order to contain and structure voice content and Meyerzon in col. 3, lines 1-16 contains XML tags in an HTML page in order to contain metadata, and it was notoriously well known in the art at the time of the invention that HTML pages are generated in response to HTTP requests to generate Web content. It would have been obvious to one of ordinary skill in the art at

the time of the invention to generate an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request by combining Saylor and Meyerzon with Levin, St-Pierre, and Schloss in order to contain and structure voice content, contain metadata, and generate Web content. This generation step would have been compatible with the additional limitation that generating the HTML page by an application instance executed by the serve, the method further comprising, terminating the application instance based on the HTML page having been output to a browser, because Levin uses a standard HTTP model, which is non-persistent and would terminate the page generation application instance after producing the web page.

3. **Regarding independent claim 13**, it is an application server that performs the functions of the method of claim 1, and may be rejected under similar rationale.
4. **Regarding independent claim 20**, it is a computer readable medium that encodes the method of claim 1, and may be rejected under similar rationale.
5. **Regarding independent claim 32**, it is an application server that performs the functions of the method of claim 1, and may be rejected under similar rationale.
6. **Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Leshem et al. (USPN 5,870,559—filing date 4/11/1997), hereinafter Leshem**
7. **Regarding dependent claim 2**, Levin, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method wherein the receiving step includes recovering within the HTTP



request a browser configuration. However, Leshem, in col. 24, lines 66-67 and col. 25, lines 1-25 discloses that the invention recovers an original browser configuration and that it communicates by HTTP in order to prevent improper transactions using a proxy. It would have been obvious to one of ordinary skill in the art at the time of the invention to recover the browser configuration within the HTTP request as in Leshem in the context Levin, St-Pierre, Schloss, Saylor, and Meyerzon in order regulate the invention's use of proxy servers.

8. **Regarding dependent claim 21**, it is a computer readable medium that encodes the method of claim 2, and may be rejected under similar rationale.
9. **Claims 3-4 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Leshem, further in view of Baldwin et al. (USPN 5,878,417—filing date 11/20/1996), hereinafter Baldwin.**
10. **Regarding dependent claim 3**, Levin, St-Pierre, Schloss, Saylor, Meyerzon, and Leshem fail to disclose that the recovering step includes identifying the browser configuration as one of a computer browser configuration configured for parsing a prescribed group of media tags and presenting a prescribed group of media types, and a lightweight browser configuration configured for parsing a prescribed portion of the prescribed group of media tags. However, Baldwin discloses that the recovering step includes identifying the browser configuration as a computer browser configuration configured for parsing a prescribed group of media tags and presenting a prescribed group of media types (col. 2, lines 42-67, identifying is inherent because this is the default configuration) because this

allows a browser to process ordinary web pages. It would have been obvious to one of ordinary skill in the art at the time of the invention to include identifying the browser configuration as in Baldwin into order to allow a browser to process ordinary web pages.

11. **Regarding dependent claim 4**, Levin, St-Pierre, Schloss, Saylor, Meyerzon, and Leshem fail to disclose a method wherein the generating step includes generating the HTML page by selectively supplying media tag types based on the identified browser configuration. However, Baldwin discloses the capability of generating the HTML page by selectively supplying media tag types based on the identified browser configuration. (In col. 2, lines 42-67, the browser configuration determines how tags are applied.)
12. **Regarding dependent claim 22**, it is a computer readable medium that encodes the method of claim 3, and may be rejected under similar rationale.
13. **Regarding independent claim 23**, it is a computer readable medium that encodes the method of claim 4, and may be rejected under similar rationale.
14. **Claims 5 and 14 and 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Ng et al. (USPN 6,243,376—filing date 11/3/1997), hereinafter Ng.**
15. **Regarding dependent claim 5**, Levin, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method wherein the accessing step includes accessing the IP-based database server according to the LDAP protocol. However, Ng discloses that LDAP provides a standard way for Internet clients or applications and servers to access directory services and locate organizations, organizational units, or individuals (col. 7, lines 44-47). It

would have been obvious to one of ordinary skill in the art at the time of the invention to use LDAP with Levin, St-Pierre, Schloss, Saylor, and Meyerzon's work in order to provide a standard way for Internet clients or applications and servers to access directory services and locate organizations, organizational units, or individuals.

16. **Regarding dependent claim 14**, it is an application server that performs the functions of the method of claim 5, and may be rejected under similar rationale.
17. **Regarding dependent claim 24**, it is a computer readable medium that encodes the method of claim 5, and may be rejected under similar rationale.
18. **Regarding dependent claim 33**, it is an application server that performs the functions of the method of claim 5, and may be rejected under similar rationale.
19. **Claims 6 and 15 and 25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman et al. (USPN 6,611,862 B2—filing date 4/20/2000, continuation of 08/641,010, filed on 4/29/1996), hereinafter Reisman.**
20. **Regarding dependent claim 6**, Levin, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method wherein the step of sending a request includes using a data retrieval application programming interface to access the content server. However, Reisman discloses the use of data retrieval API's (col. 9, lines 52-65 because they handle low-level functionality while giving users high-level control. It would have been obvious to one of ordinary skill in the art at the time of the invention to use API's in conjunction with

Levin, St-Pierre, Schloss, Saylor, and Meyerzon's work because they handle low-level functionality while giving users high-level control.

21. **Regarding dependent claim 15**, it is an application server that performs the functions of the method of claim 6, and may be rejected under similar rationale.
22. **Regarding dependent claim 25**, it is a computer readable medium that encodes the method of claim 6, and may be rejected under similar rationale.
23. **Regarding dependent claim 34**, it is an application server that performs the functions of the method of claim 6, and may be rejected under similar rationale.
24. **Claim 7 and 16 and 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages et al. (USPN 5,892,825—filing date 11/25/1996), hereinafter Mages.**
25. **Regarding dependent claim 7**, Levin, St-Pierre, Schloss, Saylor, Meyerzon and Reisman fail to disclose a method further comprising converting text based information obtained from the content server into a media file having at least one prescribed media type. However, Mages, in col. 2, lines 42-67 and col. 3, lines 1-27, details the use of MIME, a protocol wherein text-based information is converted into a prescribed media type in order to allow transmission of multimedia using text. It would have been obvious to one of ordinary skill in the art at the time of the invention to use MIME techniques after Mages in order to allow transmission of multimedia using text.

26. **Regarding dependent claim 16**, it is an application server that performs the functions of the method of claim 7, and may be rejected under similar rationale.
27. **Regarding dependent claim 26**, it is a computer readable medium that encodes the method of claim 7, and may be rejected under similar rationale.
28. **Regarding dependent claim 35**, it is an application server that performs the functions of the method of claim 7, and may be rejected under similar rationale.
29. **Claim 8 and 17 and 27 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages, further in view of Guck (USPN 5,864,870—filing date 12/18/1996).**
30. **Regarding dependent claim 8**, Levin, St-Pierre, Schloss, Saylor, Meyerzon, Reisman, and Mages fail to disclose a method wherein the converting step includes converting the text-based information into a .wav file playable by a browser. However, Guck, in col. 8, lines 52-64, reveals that WAV is a format that MIME may encode because it is a common and standard format of audio. It would have been obvious to one of ordinary skill in the art at the time of the invention to use MIME to store WAV as in Guck in conjunction with Levin, St-Pierre, Schloss, Saylor, Meyerzon, Reisman, and Mages because it is a common and standard form of audio.
31. **Regarding dependent claim 17**, it is an application server that performs the functions of the method of claim 8, and may be rejected under similar rationale.

32. **Regarding dependent claim 27**, it is a computer readable medium that encodes the method of claim 8, and may be rejected under similar rationale.
33. **Regarding dependent claim 36**, it is an application server that performs the functions of the method of claim 8, and may be rejected under similar rationale.
34. **Claims 9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages, further in view of Guck, further in view of Haddock (USPN 5,742,736—filing date 4/19/1995).**
35. **Regarding dependent claim 9**, Levin, St-Pierre, Schloss, Saylor, Meyerzon, Reisman, Mages, and Guck fail to disclose a method wherein the step of generating an HTML page includes inserting a first media tag including the .wav file and a second media tag configured for playing the .wav file. However, Haddock, in col. 5, lines 43-61, (specifically col. 5, lines 54-56) specifies how tags are to be used to include and play .wav files in order to link applications and play speech from those applications. It would have been obvious to one of ordinary skill in the art at the time of the invention to use tags as in Haddock to include and play .wav files to link applications and play speech from those applications.
36. **Regarding dependent claim 28**, it is a computer readable medium that encodes the method of claim 9, and may be rejected under similar rationale.
37. **Claims 10 and 18 and 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss,**

**further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages, further in view of VoiceXML Forum (“Voice Extensible Markup Language: VoiceXML”, Version 0.9, 8/17/1999).**

38. **Regarding dependent claim 10**, Levin, St-Pierre, Schloss, Saylor, Meyerzon, Reisman, and Mages fail to disclose a method wherein the converting step includes executing a text to speech resource for converting the text based information into an audio file. However, VoiceXML Forum, on page 8, Section 2.5, discloses the use of a text-to-speech converter because it provides audio output. It would have been obvious to one of ordinary skill in the art at the time of the invention to use text-to-speech in the manner of VoiceXML Forum because it provides audio output.
39. **Regarding dependent claim 18**, it is an application server that performs the functions of the method of claim 10, and may be rejected under similar rationale.
40. **Regarding dependent claim 29**, it is a computer readable medium that encodes the method of claim 10, and may be rejected under similar rationale.
41. **Regarding dependent claim 37**, it is an application server that performs the functions of the method of claim 10, and may be rejected under similar rationale.
42. **Claims 11 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of McCauley et al. (USPN 6,626,958 B1—filing date 11/18/1998), hereinafter McCauley.**
43. **Regarding dependent claim 11**, Levin, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method further comprising generating second HTML page in response to an

input indicating particular information of interest received from the subscriber, having instruction to access the particular information. However, McCauley details in the Abstract how to produce an informational page that is particularly tailored to a client in order to serve that client's information needs. It would have been obvious to one of ordinary skill in the art at the time of the invention to generate an informational page in the manner of McCauley in the context of Levin, St-Pierre, Schloss, Saylor, and Meyerzon's inventions in order to serve a client's informational needs.

**44. Regarding dependent claim 30**, it is a computer readable medium that encodes the method of claim 11, and may be rejected under similar rationale

**45. Claim 12 and 19 and 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Kikinis (USPN 6,055,566—filing date 1/12/1998).**

**46. Regarding dependent claim 12**, Levin, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method wherein the step of accessing attribute information includes accessing subscriber preferences defining information which the subscriber wishes to receive. However, Kikinis details in col. 2, lines 28-29 how telecommunications information is delivered to subscribers according to preferences in order to adapt the information to the subscribers' needs. It would have been obvious to one of ordinary skill in the art at the time of the invention to use subscriber preferences in the manner of Kikinis in the context of the inventions of Levin, St-Pierre, Schloss, Saylor, and Meyerzon in order to adapt the information to the subscribers' needs.



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47. **Regarding dependent claim 19**, it is an application server that performs the functions of the method of claim 12, and may be rejected under similar rationale.

48. **Regarding dependent claim 31**, it is a computer readable medium that encodes the method of claim 12, and may be rejected under similar rationale.

49. **Regarding dependent claim 38**, it is an application server that performs the functions of the method of claim 12, and may be rejected under similar rationale.

***Response to Amendment***

50. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,028,917 (filing date 4/4/1997)—Creamer et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



STEPHEN S. HONG  
PRIMARY EXAMINER